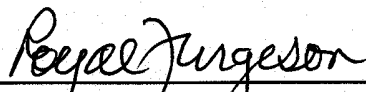


and they are **OVERRULED**. The Court further concludes that the M&R should be and is **ACCEPTED** in it's entirety. Accordingly, it is further **ORDERED** that the Hagee defendants' motion to dismiss (docket entry no. 5) is **GRANTED**; plaintiff Smith's motion to amend his complaint (docket entry no. 9) is **DENIED**; defendant's motion to dismiss (docket entry no. 12) is **GRANTED**; and plaintiff Smith's complaint and all claims against all defendants therein (docket entry no. 2) is hereby **DISMISSED** with prejudice. It is further Ordered that any and all other pending motions are **DENIED** as moot.

It is so **ORDERED**.

SIGNED this 29th day of May, 2007.



W. Royal Furgeson
UNITED STATES DISTRICT JUDGE